



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

P

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,863	08/30/2001	Tadao Takagi	110498	7539

25944 7590 03/24/2006

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

THAI, CANG G

ART UNIT PAPER NUMBER

3629

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/941,863	TAKAGI, TADAO	
	Examiner	Art Unit	
	Cang G. Thai	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This is in response to an amendment filed on 12/25/2005 for letter for patent filed on 08/30/2001. Claims 1-31 are pending in the letter.

Status of Claims

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 13 and 21 are rejected under 35 U.S.C. 101 because the claim of invention is directed to non-statutory subject matter.

In order for the claimed invention to be statutory subject matter, the claimed invention must fall within one of the statutory classes of invention as set forth in USC § 101 (i.e. a process, machine, manufacture, or composition of matter which has practical application in the technological arts).

Applicant claimed humans in a product maintenance system for offering product repair services.

If the broadest reasonable interpretation of the claimed invention as a whole encompasses a human being, then the rejection under 35 U.S.C. 101 must be made indicating that the claimed invention is directed to non-statutory subject matter. [MPEP 2105 – Patentable Subject Matter – Living Subject Matter [R-1]]

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,601,038 (KOLLS).

As for claim 1, KOLLS discloses a product maintenance method for processing maintenance of a product, comprising:

receiving information regarding a repair request for a product from a terminal of a user who uses the product via the Internet {Column 4, Lines 40-42, wherein this reads over "in step 20 the system accepts user input (data and/or monetary, disclosed herein as PRE-VEND TRANSACTION DATA (i.e. "AUTHORIZATION"))"};

transmitting screen information with regard to repair conditions set for repairing the product to the terminal of the user via the Internet {Column 22, Lines 43-45, wherein this reads over "The universal server can effectuate control of the system 500, request certain data be transmitted, or conduct other types of data communication as appropriate"}; and

receiving information regarding to an agreement to the repair conditions and a repair request for the product from the terminal of the user via the Internet {Column 24,

Art Unit: 3629

Lines 41-43, wherein this reads over “The systems 500 can respond to a service broadcast with an acknowledgement of a message received or a request to re-send the service broadcast”}.

As for claim 2, KOLLS discloses a product maintenance method according to claim 1, further comprising:

transmitting information for displaying an input screen to enable entry of user information including information with regard to a product to be repaired to the terminal of the user via the Internet {Column 24, Lines 41-43, wherein this reads over “The systems 500 can respond to a service broadcast with an acknowledgement of a message received or a request to re-send the service broadcast”};

receiving the user information from the terminal of the user via the Internet {Column 5, Lines 57-60, wherein this reads over “NET PC services can include software, access to the Internet, access to remote locations, access to other online services, as well as access to other data transmission mediums”};

assigning a repair order ID corresponding to the repair request {Column 16, Lines 40-45, wherein this reads over “Applications for the printer 612B can include general purpose printing, transaction receipt printing, hotel/retail outlet summary report printing, advertisement printing, coupon printing, computer/notebook/laptop/palmtop printing, and hotel/retail outlet activity report printing”};

storing the user information in a storage device together with the repair order ID {Column 24, Lines 28-32, wherein this reads over “Server 632 in accordance with programming from a network administrator may store the record in a transaction

Art Unit: 3629

database, and respond to the service request from the said system 500 by data communicating an acknowledge signal”}; and

transmitting information indicating the repair order ID to the terminal of the user via the Internet {Column 24, Lines 41-43, wherein this reads over “The systems 500 can respond to a service broadcast with an acknowledgement of a message received or a request to re-send the service broadcast”}.

As for claim 3, which has the same limitations as in claim 1, therefore it is rejected for the similar reasons set forth in claim 1.

As for claim 4, which has the same limitations as in claim 2, therefore it is rejected for the similar reasons set forth in claim 2.

As for claim 5, KOLLS discloses a product maintenance method for processing maintenance of a product, comprising:

receiving information regarding a repair request for a product from a terminal of a user who uses the product via the Internet {Column 4, Lines 40-42, wherein this reads over “in step 20 the system accepts user input (data and/or monetary, disclosed herein as PRE-VEND TRANSACTION DATA (i.e. “AUTHORIZATION”))”}; and

transmitting information regarding the product which enables a transport operator to select a packing box corresponding to the product the repair request for which has been received, and information instructing delivery of the selected packing box to the user, to a server of the transport operator via the Internet {Column 22, Lines 43-45, wherein this reads over “The universal server can effectuate control of the system 500,

Art Unit: 3629

request certain data be transmitted, or conduct other types of data communication as appropriate”}.

As for claim 6, KOLLS discloses a product maintenance method according to claim 5, further comprising:

transmitting information instructing that the product packed in the packing box be picked up from the user to the server of the transport operator via the Internet {Column 22, Lines 43-45, wherein this reads over “The universal server can effectuate control of the system 500, request certain data be transmitted, or conduct other types of data communication as appropriate”}; and

transmitting information instructing delivery of the product that has been repaired to the user, to the transport operator via the Internet upon completion of repair of the product {Column 25, Lines 47-51, wherein this reads over “The DII process step could substitute or append a second form of ID, such as a database record number to the transaction record. The database record number could record the promotional reward status and further request a second DII processing step”}.

As for claim 7, which has the same limitations as in claim 1, therefore it is rejected for the similar reasons set forth in claim 1.

As for claim 8, which has the same limitations as in claim 2, therefore it is rejected for the similar reasons set forth in claim 2.

As for claim 9, KOLLS discloses a product maintenance method according to claim 8, further comprising:

transmitting information regarding an estimate of a repair completion date to the terminal of the user together with the estimate for the repair cost {Column 30, Lines 9-14, wherein this reads over "Upon "approval" processing in block 1112 data communicates between the universal server, system 500 containing the smart card, and any other device (as required) on network 600 to effectuate the transfer of funds (money/credit/units), and subsequent transaction processing (billing "settling" as required)"}.

As for claim 10, KOLLS discloses a product maintenance method for processing maintenance of a product, comprising:

receiving information regarding a repair request for a product from a terminal of a user who uses the product via the Internet {Column 4, Lines 40-42, wherein this reads over "in step 20 the system accepts user input (data and/or monetary, disclosed herein as PRE-VEND TRANSACTION DATA (i.e. "AUTHORIZATION"))"};

assigning a repair order ID corresponding to the repair request {Column 16, Lines 40-45, wherein this reads over "Applications for the printer 612B can include general purpose printing, transaction receipt printing, hotel/retail outlet summary report printing, advertisement printing, coupon printing, computer/notebook/laptop/palmtop printing, and hotel/retail outlet activity report printing"}; and

transmitting information indicating the repair order ID to the terminal of the user via the Internet {Column 24, Lines 41-43, wherein this reads over "The systems 500 can respond to a service broadcast with an acknowledgement of a message received or a request to re-send the service broadcast"}.

As for claim 11, KOLLS discloses a product maintenance method according to claim 10, further comprising:

storing a repair progress status for the product at each stage including a delivery preparation status in a storage device in correspondence to the repair order ID {Column 24, Lines 28-32, wherein this reads over "Server 632 in accordance with programming from a network administrator may store the record in a transaction database, and respond to the service request from the said system 500 by data communicating an acknowledge signal"}; and

when an inquiry on the repair progress status is made from the terminal of the user by indicating the repair order ID via the Internet, obtaining the repair progress status corresponding to the repair order ID from the storage device and transmitting information regarding the repair progress status thus obtained to the terminal of the user via the Internet {Column 24, Lines 28-32, wherein this reads over "Server 632 in accordance with programming from a network administrator may store the record in a transaction database, and respond to the service request from the said system 500 by data communicating an acknowledge signal"}.

As for claim 12, which has the same limitations as in claims 1 and 2, respectively, therefore it is rejected for the similar reasons set forth in claims 1 and 2, respectively.

As for claim 13, KOLLS discloses a product maintenance business system for offering product repair services:

a product, user {See 101 rejection, human/person};

a product maintenance business, operator {See 101 rejection, human/person};

Art Unit: 3629

a transport operator {See 101 rejection, human/person}; and

a repair fee collector { See 101 rejection, human/person},

wherein the product user, the product maintenance business operator, the transport operator and the repair fee collector are connected via the Internet, and wherein:

the product maintenance business operator receives a repair request for a product from the product user, selects a packing box corresponding to the product, estimates a repair cost and repairs the product {See 101 rejection, human/person};

the transport operator delivers the packing box to the product user, picks up the product to be repaired from the product user and delivers the product having been repaired to the product user {See 101 rejection, human/person}; and

the repair fee collector collects a repair fee {See 101 rejection, human/person}.

As for claim 14, which has the same limitations as in claim 13, therefore it is rejected for the similar reasons set forth in claim 13.

As for claim 15, which has the same limitations as in claim 13, therefore it is rejected for the similar reasons set forth in claim 13.

As for claim 16, which has the same limitations as in claim 13, therefore it is rejected for the similar reasons set forth in claim 13.

As for claim 17, KOLLS discloses a product maintenance business system for offering product repair services, comprising:

a server of a product maintenance business operator that is connected with a terminal of a product user, a server of a transport operator and a server of a repair fee

Art Unit: 3629

collector via the Internet {Column 30, Lines 10-14, wherein this reads over "system 500 containing the smart card, and any other device (as required) on network 600 to effectuate the transfer of funds (money/credit/units), and subsequent transaction processing (billing "settling" as required)"}, wherein

the server of the product maintenance business operator executes {Column 30, Lines 14-16, wherein this reads over "the transaction is then completed, prompting the users to facilitate any final actions as may be required"}:

processing for transmitting a repair cost estimate for the product, the repair request for which has been issued by the product user, to the product user in an electronic mail via the Internet {Column 4, Lines 40-42, wherein this reads over "in step 20 the system accepts user input (data and/or monetary, disclosed herein as PRE-VEND TRANSACTION DATA (i.e. "AUTHORIZATION"))"}; and

processing for receiving an approval of contents of the repair cost estimate and the repair request from the product user via the Internet {Column 30, Lines 1-4, wherein this reads over "Processing in decision block 1110 effectuates the processing of the transaction and eventual "approval" or "denial" of a request to transfer funds (money/credit/units) to the smart card"}.

As for claim 18, KOLLS discloses a product maintenance business system according to claim 17, wherein

the server of the product maintenance business operator estimates a delivery completion date in addition to estimating a repair cost for the product and transmits the repair cost estimate with the repair completion date entered therein {Column 24, Lines

Art Unit: 3629

28-32, wherein this reads over "Server 632 in accordance with programming from a network administrator may store the record in a transaction database, and respond to the service request from the said system 500 by data communicating an acknowledge signal"}.

As for claim 19, KOLLS discloses a product maintenance business system according to claim 17, wherein

the repair cost includes fees for a price of a packing box delivered to the product user and fees for delivering the packing box and delivering the product to be repaired {Column 30, Lines 10-14, wherein this reads over "system 500 containing the smart card, and any other device (as required) on network 600 to effectuate the transfer of funds (money/credit/units), and subsequent transaction processing (billing "settling" as required)"}.

As for claim 20, which has the same limitations as in claim 13, therefore it is rejected for the similar reasons set forth in claim 13.

As for claim 21, which has the same limitations as in claim 13, therefore it is rejected for the similar reasons set forth in claim 13.

As for claim 22, which has the same limitations as in claim 13, therefore it is rejected for the similar reasons set forth in claim 13.

As for claim 23, which has the same limitations as in claim 13, therefore it is rejected for the similar reasons set forth in claim 13.

As for claim 24, which has the same limitations as in claim 13, therefore it is rejected for the similar reasons set forth in claim 13.

As for claim 25, which has the same limitations as in claim 17, therefore it is rejected for the similar reasons set forth in claim 17.

As for claim 26, which has the same limitations as in claim 18, therefore it is rejected for the similar reasons set forth in claim 18.

As for claim 27, which has the same limitations as in claim 19, therefore it is rejected for the similar reasons set forth in claim 19.

As for claim 28, which has the same limitations as in claim 13, therefore it is rejected for the similar reasons set forth in claim 13.

As for claim 29, KOLLS discloses a computer-readable computer program product containing a program for product maintenance processing, the program comprising:

an instruction for receiving a repair request for a product from a terminal of a user who uses the program via the Internet {Column 4, Lines 40-42, wherein this reads over “in step 20 the system accepts user input (data and/or monetary, disclosed herein as PRE-VEND TRANSACTION DATA (i.e. “AUTHORIZATION”))”};

an instruction for selecting a packing box corresponding to the product, the repair request for which has been received, based upon product information stored in a database {Column 22, Lines 43-45, wherein this reads over “The universal server can effectuate control of the system 500, request certain data be transmitted, or conduct other types of data communication as appropriate”}; and

an instruction for transmitting information instructing delivery of the packing box that has been selected to the user, to a server of a transport operator via the Internet

{Column 22, Lines 43-45, wherein this reads over “The universal server can effectuate control of the system 500, request certain data be transmitted, or conduct other types of data communication as appropriate”}.

As for claim 30, KOLLS discloses a computer-readable computer program product according to claim 29, wherein

the computer-readable computer program product is a recording medium on which the program is recorded {Column 24, Lines 28-32, wherein this reads over “Server 632 in accordance with programming from a network administrator may store the record in a transaction database, and respond to the service request from the said system 500 by data communicating an acknowledge signal”}.

As for claim 31, KOLLS discloses a computer-readable computer program product according to claim 29, wherein:

the computer-readable computer program product is a carrier wave in which the program is embodied as a data signal {Column 5, Lines 57-60, wherein this reads over “NET PC services can include software, access to the Internet, access to remote locations, access to other online services, as well as access to other data transmission mediums”}.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

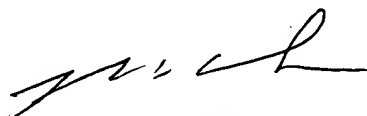
No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cang (James) G. Thai whose telephone number is (571) 272-6499. The examiner can normally be reached on 6:30 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CGT
03/05/2006



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600